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10/674,023	09/29/2003	David W. Pedlar	1578.620 (11157-US-PAT)	4511
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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docket.clerk@kelly-krause.com
portfolioprossecution@rim.com

Office Action Summary

Application No.

10/674,023

Applicant(s)

PEDLAR ET AL.

Examiner

FRED A. CASCA

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, and 6-8 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's Appeal Brief filed on 12/14/2010. Claims 1 and 3-10 are still pending in the present application. **This Action is Made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of Seo et al (US 2003/0185159 A1) and further in view of Krishnarajah (US 2003/0100291).

Referring to claim 1, Kim discloses a method of performing a cell update during a reconfiguration procedure in a user equipment, the user equipment configured for use in a communications system (Figures 2-3 and abstract), the method comprising:

receiving, at the user equipment, a reconfiguration command from the communications system (Fig. 2 and Par. 57, lines 3-13),

detecting, at the user equipment, a trigger event which indicates that a cell update is required (Par. 57-61 and particularly Par. 59, lines 4-7, and Par. 61, lines 1-3, "moving from the

existing cell to a neighboring cell”, “In a first case, the target cell is already transmitting MBMS data, so the UE is already receiving MBMS data in a handover region before the cell update”, note that in Par. 57, it is disclosed that reconfiguration message to a UE is sent by providing MBMS service and in Par. 61 it is disclosed that the UE is already receiving MBMS data while the UE is in a handover region (cell update trigger)) and

delaying initiation of the cell update until the reconfiguration has been applied (Par. 38-39, 45 and 59-61, note that before cell update first a Radio Bearer Setup process is performed, then a Radio Bearer Reconfiguration process is performed and then the Cell Update is preformed. Further note that the reconfiguration information is received by the UE, then the UE sends a confirmation of the reconfiguration and then the cell update starts).

Kim does not specifically disclose before the reconfiguration has been applied detecting and delaying the initiation in the format claimed.

However, Krisnarajah discloses that a UE needs to send a certain number of CELL UPDATE messages before the new security configuration will be used and the old security configuration will be released, which will allow an artesian to conclude that a delaying of cell update initiation would occur until reconfiguration has been applied (Par. 19).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant in the format claimed, for the purpose of providing an efficient cell-selection procedure.

Kim does not specifically disclose that the reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached.

Seo discloses that a reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached (Par. 86, 109, Figures 6-8, 10, 13, Par. 79, 94, 103, and 118, note that the activation time is received through the Radio link Reconfiguration Commit message and the activation time indicates a starting time, thus, a it causes a delay).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant by incorporating the teachings of Seo, and consequently including the activation time in the reconfiguration command and providing delaying of application for reconfiguration, for the purpose of providing an efficient cell-selection procedure.

Referring to claim 3, Kim discloses a method of handling a cell update during a reconfiguration procedure in a user equipment, the user equipment configured for use in a communications system (Figures 2-3 and abstract), the method comprising:

receiving, at the user equipment, a reconfiguration command from the communications system (Fig. 2 and Par. 57, lines 3-13), and detecting, at the user equipment, a trigger event which indicates that a cell update is

required (Par. 59, lines 4-7, "moving from the existing cell to a neighboring cell") and suppressing the cell update depending on the trigger event (Fig. 3 and Par. 59, note that "The cell update process is performed by the UE when the UE enters a cell update region by moving from the existing cell to a neighboring cell", thus, the cell update is suppressed (not performed) when there is no entering of the UE into a neighboring cell. The event is equivalent to the movement of the UE into a neighboring cell or cell update region).

Kim does not specifically disclose before the reconfiguration has been applied detecting and delaying the initiation in the format claimed.

However, Krisnarajah discloses that a UE needs to send a certain number of CELL UPDATE messages before the new security configuration will be used and the old security configuration will be released, which will allow an artesian to conclude that a delaying of cell update initiation would occur until reconfiguration has been applied (Par. 19).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant in the format claimed, for the purpose of providing an efficient cell-selection procedure.

Kim does not specifically disclose that the reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached

Seo discloses a reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached (Par. 86, 109,

Figures 6-8, 10, 13, Par. 79, 94, 103, and 118, note that the activation time is received through the Radio link Reconfiguration Commit message and the activation time indicates a starting time, thus, a it causes a delay).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant by incorporating the teachings of Seo, and consequently including the activation time in the reconfiguration command and providing delaying of application for reconfiguration, for the purpose of providing an efficient cell-selection procedure.

Claim 6 recites features analogous to the features of claim 1, thus the combination of Kim/Seo/Krishnarajah discloses all elements of claim 6.

Claim 8 recites features analogous to the features of claim 3, thus the combination of Kim/Seo/Krishnarajah discloses all elements of claim 8.

4. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of Krishnarajah, further in view of Seo et al (US 2003/0185159 A1) and further in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181).

Referring to claim 7, the combinations of Kim/Seo/Krishnarajah disclose a user equipment according to claim 6.

The combination is silent on a timer arranged to cooperate with the controller for delaying initiation of the cell update.

TSGR#2(99)181 discloses such a feature in pages 1-3.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient cell-selection procedure.

Allowable Subject Matter

5. Claims 4, 5, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is the examiner's statement of reasons for allowance:

The prior art fails to disclose suggest the limitations, "suppressing the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration when the trigger event comprises a radio link failure" along with other limitations of the claims.

Response to Arguments

6. Applicant's arguments filed on 12/14/2010 have been considered but moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached at (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred A. Casca/

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/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617